

**JUDGE SAND**  
LYONS & FLOOD, LLP  
65 West 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10018  
(212) 594-2400

Attorneys for Plaintiff  
AMERICAN STEAMSHIP OWNERS MUTUAL  
PROTECTION AND INDEMNITY ASSOCIATION, INC.

07 CIV 9352

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN STEAMSHIP OWNERS MUTUAL  
PROTECTION AND INDEMNITY ASSOCIATION, INC.,

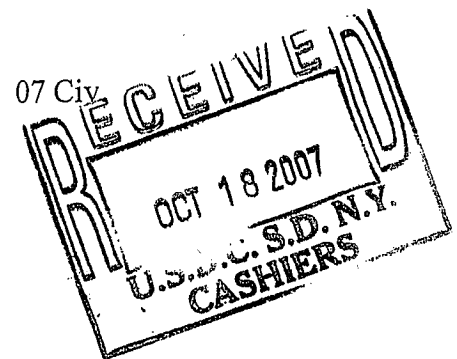
ECF CASE

Plaintiff,

- against -

KUM KANG MARINE CO. LTD.,

Defendant.  
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**VERIFIED COMPLAINT**

Plaintiff AMERICAN STEAMSHIP OWNERS MUTUAL PROTECTION AND INDEMNITY ASSOCIATION, INC. (the "AMERICAN CLUB"), by its attorneys, Lyons & Flood, LLP, as and for its Verified Complaint against defendant KUM KANG MARINE CO. LTD. ("KUM KANG"), alleges upon information and belief as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the action falls within the Court's subject matter jurisdiction pursuant to 28 USC § 1333.
2. At all material times, plaintiff the AMERICAN CLUB was and still is a corporation organized and existing under the laws of the State of New York, with an office and place of business at One Battery Park Plaza, 31<sup>st</sup> Floor, New York, NY 10004.
3. Upon information and belief, at all material times, defendant KUM KANG

was and still is a corporation organized and existing under the laws of a foreign country with an office and principal place of business located at Room 802 , 8<sup>th</sup> Floor, Sam Jeong Building 69-5, 2-ka Taepyung-ro, Chung-ku, Seoul, Republic of Korea. Defendant KUM KANG cannot be found within this District within the meaning of Supplemental Rule B for Certain Admiralty and Maritime Claims and has tangible or intangible property within this District.

4. Defendant KUM KANG has been the owner of the M/V BAY STAR from on or about December 11, 1998 until the present.

5. Defendant KUM KANG was and still is the owner of the M/V YU HWA HO from on or about January 1, 1985.

6. Plaintiff the AMERICAN CLUB provided marine insurance to defendant KUM KANG (or the "Member") from May 2001, through July 20, 2005.

7. Plaintiff the AMERICAN CLUB issued three (3) Certificates of Entry to defendant KUM KANG, insuring the BAY STAR for coverage for the policy years 2003 through 2005.

8. Plaintiff the AMERICAN CLUB issued three (3) Certificates of Entry to defendant KUM KANG, insuring the YU HWA HO for coverage for the policy years 2003 through 2005.

9. All the Certificates of Entry were expressly made subject to the By-Laws and Rules of the AMERICAN CLUB ("Club By-Laws and Rules") and provided that KUM KANG was liable to pay premiums, assessments, and/or calls provided for by the Club By-Laws and Rules.

10. Plaintiff the AMERICAN CLUB issued multiple invoices to the defendant

KUM KANG for payment of sums owed to plaintiff for past premiums as per the Club By-Laws and Rules, for a total outstanding amount of \$90,669.76.

11. Although duly demanded, defendant KUM KANG has failed to pay plaintiff the AMERICAN CLUB the amounts due as aforesaid, all in breach of the Certificates of Entry and/or Club By-Laws and Rules.

12. Plaintiff the AMERICAN CLUB hereby demands:

- (a) payment of \$90,669.76 as security to cover the amount of past due funds owed for past premiums as aforesaid; and
- (b) Payment of \$17,000.00 to cover interest and costs on the amount in sub-paragraph (a) above.

Total due and owing: \$107,669.76

WHEREFORE, plaintiff the AMERICAN CLUB prays that:

a. process in due form of law according to the practice of this Court in admiralty and maritime jurisdiction issue against defendant KUM KANG citing them to appear and answer under oath all and singular the matters alleged;

b. since defendant KUM KANG cannot be found within this District, this Court issue an Order directing the Clerk of the Court to issue Process of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, attaching all goods, chattels, letters of credit, bills of lading, effects, debts and monies, property tangible or intangible, or any other funds held by any garnishee, which are due and owing to plaintiff the AMERICAN CLUB, in the amount of \$107,669.76 to secure plaintiff's claims, and that all persons claiming any

interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged;

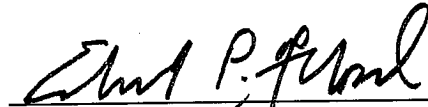
c. judgment be issued in favor of plaintiff for all sums claimed by plaintiff the AMERICAN CLUB herein, including interest and costs; and

d. plaintiff have such other, further, and different relief as this Court may deem just and proper.

Dated: October 12, 2007

LYONS & FLOOD, LLP  
Attorneys for plaintiff  
AMERICAN STEAMSHIP OWNERS  
MUTUAL PROTECTION AND  
INDEMNITY ASSOCIATION, INC.

By:



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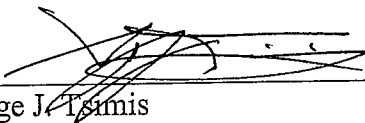
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**VERIFICATION**

George J. Tsimis, the undersigned, state that I am Senior Vice President and Head of Claims at Shipowners Claims Bureau, Inc., managers for plaintiff the AMERICAN STEAMSHIP OWNERS MUTUAL PROTECTION AND INDEMNITY ASSOCIATION, INC. in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my knowledge based on documents in my file, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: October 12, 2007

  
George J. Tsimis